



Entered on Docket
March 12, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,¹

USA SECURITIES, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
HOMES FOR AMERICA HOLDING,
LLC – RIVIERA 2ND DEED OF
TRUST LOAN**

Date of Hearing: February 21, 2008
Time of Hearing: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

Pending before the Court is the USACM Liquidating Trust's Second Omnibus Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Homes for America Holding, LLC – Riviera 2nd Deed of Trust Loan (the "Objection") [DE 5650]. Adequate notice of the Objection was given. The Court heard the Objection on February 21, 2008. No responses were filed to the Objection and no opposition was raised at the hearing. Good cause appearing,

IT IS ORDERED:

- Sustaining the Objection;
- Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they are based upon an investment in the Homes for America Holding, LLC – Riviera 2nd Deed of Trust Loan. The Proofs of Claim listed in Exhibit A are not affected by this order to the extent they are based upon an investment in a loan(s) other than the Homes for America Holding, LLC – Riviera 2nd Deed of Trust Loan; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to the Proofs of Claim listed on Exhibit A attached.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
 Susan M. Freeman
 Rob Charles
 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☐ approved the form of this order;
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☒ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

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EXHIBIT A

HFA – Riviera 2nd
 Second Omnibus Objection
 Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the HFA - Riviera 2nd Loan
10725-00153	APG Trust Dated 7/5/00	c/o Alex G. Gassiot Trustee 3710 Clover Way Reno, NV 89509	250,260.00	50,000.00
10725-02397	William A. and Angel J. Banos	7431 Dorie Drive West Hills, CA 91307-5277	564,000.00	50,000.00
10725-00900	Eric T. and Dolores Y. Erickson	1455 Superior Ave #342 Newport Beach, CA 92663-6125	390,000.00	50,000.00
10725-00154	Joan B. Gassiot Trust 1987 Dated 8/7/87	Joan B. Gassiot 4050 Bitter Creek Court Reno, NV 89509-0609	152,000.00	50,000.00
10725-01687	Homfeld II LLC	2515 N. Atlantic Blvd. Ft. Lauderdale, FL 33305-1911	\$2,861,221.63	\$1,031.91
10725-02233	Eddie Mayo and Jocelyne Helzer Joint Tenants	115 South Deer Run Road Carson City, NV 89701	255,953.23	50,000.00
10725-02289	2001 Michael T. McGrath Revoc Trust Dated 12/11/01	Michael T McGrath Trustee 66 Schanda Drive Newmarket, NH 03857-2151	268,660.73	39,000.00
10725-00854	George J. Motto	Joe Laxague, Esq. Cane Clark LLP 3272 E. Warm Springs Las Vegas, NV 89120	550,000.00	100,000.00
10725-02026	Richard and Michele Nevins Joint Tenants	1547 Bob Goalby Lane El Paso, TX 79935	1,399,379.81	210,000.00